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a coupler member having first, second and third openings, the first opening dimensioned to slidably receive a spinal rod, and the second opening dimensioned to receive a locking fastener to retain the spinal rod within the coupler member, a portion of the coupler opposite the second opening being closed;

a fastener receiving member having an opening to receive a bone fastener, the fastener receiving member rotatably and slidably mounted with respect to the coupler member to adjust the position of the fastener, the fastener receiving member being mountable in the third opening of the coupler member;

and an insert interposed between the spinal rod and the fastener receiving member.

*S-3 D3*

36. (Once Amended) A spinal rod coupler comprising:

a first opening dimensioned to slidably receive and fully surround a portion of a spinal rod and having a first longitudinal axis extending therethrough;

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a second opening dimensioned to receive a locking fastener and having a second longitudinal axis extending therethrough transverse to the first longitudinal axis; and

a third opening dimensioned to slidably and rotatably receive an elongated connector to mount a bone fastener, the third opening having a third longitudinal axis extending therethrough transverse to the first longitudinal axis and the second longitudinal axis.

*S-3 D4*

40. (Once Amended) A spinal rod coupler assembly comprising:

a coupler having a first opening to receive a spinal rod and fully surround a portion thereof;

a connecting member having a longitudinal axis, the connecting member extending from the coupler and rotatable with respect to the coupler;

a bone fastener positioned within the connecting member, wherein movement of the connecting member with respect to the coupler adjusts the position of the bone fastener; and

a locking member for securing the spinal rod, the locking member extending at an angle to the longitudinal axis of the connecting member.